IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM ROBERT BILL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	**Civil Action No. 05-154E**
	:	**Judge Sean J. McLaughlin**
TROOPER VICTOR J. STERNBY,	:	
	:	
Defendant.	:	

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the defendant, Trooper Victor J. Sternby, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Mary Lynch Friedline, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and submits the following Motion for Summary Judgment in accordance with Fed. R. Civ. Pr. 56:

1. Defendant incorporates herein his Statement of Undisputed Material Facts and Brief in support of this motion, filed simultaneously herewith.

2. The claim remaining in the Complaint is a § 1983 claim based upon the state-created danger theory under the Fourteenth Amendment.

3. Based upon the law and undisputed facts of record, defendant Sternby is entitled to summary judgment in his favor.

WHEREFORE, defendant respectfully requests that this Court enter summary judgment in favor of defendant and against plaintiff.

Respectfully submitted:

Thomas W. Corbett, Jr.
Attorney General

By: /s/ Mary Lynch Friedline
Mary Lynch Friedline
Senior Deputy Attorney General
Attorney I.D. No. 47046

Susan J. Forney
Chief Deputy Attorney General

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Date: May 4, 2006